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FISH AND WILDLIFE SERVICE

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Forester I	
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Range Cons. II	
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Fisheries Biologist	
Geologist I	
Mining Engineer	
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Fire II	
SSS	
Resource Clerk	
Office Automation Clerk	

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FILE
COPY

Jeffrey Jones
Remedial Project Manager/On-Scene Coordinator
Caribou-Targhee National Forest
Soda Springs Ranger District
410 East Hopper Avenue
Soda Springs, Idaho 83276

Subject: Biological Assessment / Biological Evaluation for the , Smoky Canyon Mine,
Caribou County, Idaho – No Effect
File # 1050.3103 TAILS # 06-TA-0936

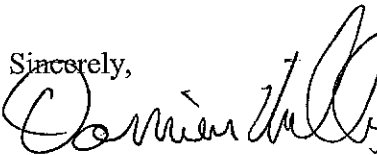
Dear Mr. Jones:

The Fish and Wildlife Service is writing in response to your August 16, 2006 letter, received in our office on the same day, regarding the Biological Assessment/Biological Evaluation for the Pole Canyon Overburden Disposal Area Removal Action at Smoky Canyon Mine, Caribou County, Idaho. The following Service comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended.

The Service understands that the J.R. Simplot Company intends to divert Pole Canyon Creek water around the Pole Canyon cross valley fill (overburden disposal area [ODA]) at the Smoky Canyon Mine CERCLA site. Briefly, water will be diverted from Pole Canyon Creek, around the Pole Canyon ODA for a distance of approximately 10,400 ft. The diversion will be constructed of a 30-inch buried pipeline. An energy dissipation structure also will be constructed at the base of the outflow; it will consist of a concrete outfall approximately 12 feet long by 8 feet wide, anchored at the downstream toe with a large baffle block and concrete lip. Immediately upgradient of the ODA, an infiltration basis also will be constructed in order to prevent any flow that is accumulated below the diversion line and any flow that overtops the diversion system, from entering the Pole Canyon ODA. The infiltration basin will be approximately 2 acres at maximum elevation. Water initially will enter a small, upstream sedimentation basin to remove suspended particulates. The infiltration basin will be excavated to the bedrock surface and will be overlain with a gravel filter to prevent sediment from plugging the basin. The downstream end of the basin will be covered with a HDPE liner to prevent any water stored in the basin from entering the ODA. The liner will be covered with a layer of topsoil to prevent damage from ultra-violet light. In order to control run-on, onto the Pole Canyon ODA, during rainfall and snowmelt events, a ditch will be installed along the northeast perimeter of the ODA to collect this water and transport it downhill to lower Pole Canyon Creek. The ditch will not be lined and will use gravity flow to transport water to the creek.

According to the most recent species list for Caribou County, bald eagle (*Haliaeetus leucocephalus*) Canada lynx (*Lynx Canadensis*) and gray wolf (*Canis lupus*) have the potential to occur within the project area. The Caribou-Targhee National Forest has determined that implementing the proposed action would have no impact on either bald eagle or Canada lynx. This determination is based on the information that there are no bald eagle nest sites located within 4 miles of the project area and no roost trees would be destroyed during project activities. Additionally, Canada lynx habitat in the project area is considered marginal, and lynx have not been identified in the project area during numerous survey efforts. The Service also recognizes that gray wolf habitat is not present in the project area. Project activities would be of short duration, and are not expected to impact eagles, lynx, wolves, their habitat, or their prey base. Based on this information the Service has no objection to your no effect determination.

Thank you for your interest in endangered species conservation. If you have any questions, please contact Sandi Arena of my staff at 208-237-6975 x 34.

Sincerely,

Damien Miller, Supervisor
Eastern Idaho Field Office

cc: IDEQ, Pocatello (Kauffman)
BLM, Pocatello (Cundick)
EPA, Boise (Wilkening)
Tribe, Fort Hall (Cutler)